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**ORIGINAL****BEFORE THE ARIZONA CORPORATION COMMISSION****RECEIVED**

Arizona Corporation Commission

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**AZ CORP COMMISSION  
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**COMMISSIONERS**

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

IN THE MATTER OF THE APPLICATION OF  
ACCESS POINT, INC., FOR APPROVAL OF A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE RESOLD LOCAL  
EXCHANGE TELECOMMUNICATIONS  
SERVICES AND FACILITIES-BASED LOCAL  
EXCHANGE TELECOMMUNICATIONS  
SERVICES.

DOCKET NO. T-03446A-08-0055

**PROCEDURAL ORDER****BY THE COMMISSION:**

On January 29, 2008, Access Point, Inc., ("API" or "Company"), submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold local exchange telecommunications services and facilities-based local exchange telecommunications services in Arizona ("Application").

On February 14, 2008, the Commission's Utilities Division ("Staff") filed its Letter of Insufficiency and First Set of Data Requests ("Data Requests") in this matter.

On March 27, 2008, API filed its Response to the Data Requests.

On June 5, 2008, Staff filed its second set of Data Requests.

On September 10, 2008, API filed its Responses to the second set of Data Requests.

On January 16, 2009, Staff filed its Staff Report recommending approval of the Application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above application shall commence on **March 18, 2009, at 2:00 p.m.** or as soon thereafter as is practical, at the Commission's offices, Hearing Room 100, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Company shall publish notice of the hearing as stated below, in a newspaper(s) of general circulation in every county in Arizona in which Company desires

to provide service as soon as possible, but no later than February 18, 2009, and shall file Affidavits of Publication with the Commission no later than March 4, 2009.

**IN THE MATTER OF THE APPLICATION OF ACCESS POINT, INC., FOR  
APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY  
TO PROVIDE TO PROVIDE RESOLD LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES AND FACILITIES-BASED LOCAL  
EXCHANGE TELECOMMUNICATIONS SERVICES.  
Docket No. T-03446A-08-0055**

On January 29, 2008, Access Point, Inc., ("Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold local exchange telecommunications services and facilities-based local exchange telecommunications services. The Commission's Utilities Division ("Staff") has recommended approval of the Company's application. The Commission is not bound by the proposals made by the Company, Staff, or any intervenors, and the Company will be required to provide this service under the rates and charges and terms and conditions established by the Commission. Copies of the application, report of Staff, and any written exceptions to the report of Staff filed by the Company will be available at the Company's offices [insert address] and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on this matter beginning **March 18, 2009, at 2:00 p.m.**, at the Commission's offices, Hearing Room 100, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing **Docket Number T-03446A-08-0055** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission up to the day of the hearing. The motion to intervene must be sent to the Company or its counsel and to all parties of record, and must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
2 that all motions to intervene must be filed on or before **February 25, 2009**. If  
3 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme  
4 Court, intervention will be conditioned upon the intervenor obtaining counsel to  
5 represent the intervenor. For information about requesting intervention, visit the  
6 Arizona Corporation Commission's webpage at  
7 <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among  
8 other things, entitles a party to present sworn evidence at hearing and to cross-examine  
9 other witnesses.

10 If you have any questions about this application, you may contact the Company at  
11 **[insert telephone number]**. If you wish to file written comments on the application  
12 or want further information on intervention you may contact the Consumer Services  
13 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,  
14 or call 1-800-222-7000.

15 The Commission does not discriminate on the basis of disability in admission to its  
16 public meetings. Persons with a disability may request a reasonable accommodation  
17 such as a sign language interpreter, as well as request this document in an alternative  
18 format, by contacting the ADA Coordinator, Shaylin Bernal, at [SBernal@azcc.gov](mailto:SBernal@azcc.gov),  
19 voice phone number 602-542-3931. Requests should be made as early as possible to  
20 allow time to arrange the accommodation.

21 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
22 105, except that all motions to intervene shall be filed by **February 25, 2009**.

23 IT IS FURTHER ORDERED that any objections to interventions shall be filed by **March 6,**  
24 **2009**.

25 IT IS FURTHER ORDERED that API or any intervenors shall file specific  
26 disagreements/comments, if any, regarding the Staff Report by **March 6, 2009**.

27 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
28 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in Arizona and  
before the Commission and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all  
hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
for discussion, unless counsel has previously been granted permission to withdraw by the  
Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized

Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 26<sup>th</sup> day of January, 2009.

  
BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 27<sup>th</sup> day of January, 2009, to:

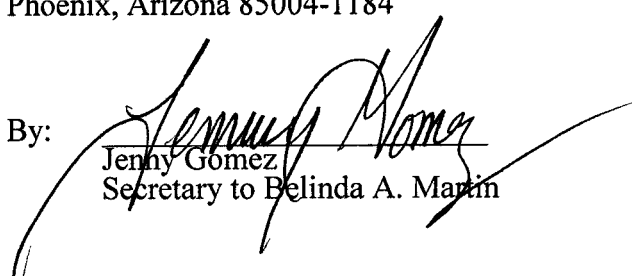
Richard E. Brown  
ACCESS POINT, INC.  
1100 Crescent Green, Suite 109  
Cary, North Carolina 27518

Thomas M. Forte  
TECHNOLOGIES MANAGEMENT, INC.  
2600 Maitland Boulevard, Suite 300  
Maitland, Florida 32751

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Ave., Suite 502  
Phoenix, Arizona 85004-1184

By:   
Jenny Gomez  
Secretary to Belinda A. Martin